

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KARL FINLEY,

No. C-07-5922 EMC

Plaintiff,

v.

**ORDER RE PARTIES' LETTERS OF
SEPTEMBER 22 AND 23, 2009**COUNT OF MARTIN, *et al.*,**(Docket Nos. 73-74)**Defendants.

Plaintiff has filed a letter asking the Court to extend the deadline for nonexpert discovery and expert disclosure because of continuing discovery disputes between the parties. In the letter, Plaintiff describes what each dispute is. Defendant filed a responsive letter, asserting, *inter alia*, that the letter is procedurally improper and that there has not been, for the most part, a meet and confer on the underlying discovery disputes. Having reviewed the parties' letters, the Court hereby rules as follows.

Plaintiff's request is procedurally improper. The Court previously permitted discovery disputes to be raised via joint letter, *see* Docket No. 60 (Order at 2), but the pending request is a request for an order changing time. Moreover, a request for an order changing time is governed by Civil Local Rule 6-3. Plaintiff has not complied with the standard set out in that local rule. Finally, Plaintiff did not file a motion to shorten time to have his request ruled upon expeditiously.


Although Plaintiff's request is not procedurally proper, the Court shall in the interest of moving this case forward overlook these deficiencies and rules as follows. First, the Court shall not, as a general matter, extend the deadline for nonexpert discovery and expert disclosure (currently set

1 for September 28, 2009). However, the Court is willing to entertain the specific discovery disputes
2 raised in Plaintiff's letter and, should it rule in Plaintiff's favor on the disputes, then documents may
3 be produced or depositions take place past September 28; in addition, supplemental expert
4 disclosure and reports will likely be permitted.

5 Second, the parties are ordered to meet and confer on the issues raised in Plaintiff's letter.
6 The parties shall meet and confer either in person or by telephone. A written meet and confer is not
7 sufficient. A party that fails to meet and confer in good faith shall be sanctioned. The meet and
8 confer shall take place by September 30, 2009. If the parties are unable to resolve all of the
9 disputes, then they shall file a joint letter by noon of October 2, 2009. The Court will have a hearing
10 on any remaining disputes on October 7, 2009, at 10:30 a.m.

11 IT IS SO ORDERED.

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13 Dated: September 24, 2009

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16 EDWARD M. CHEN
17 United States Magistrate Judge
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